IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

THURSDAY, THE 14TH DECEMBER, 2006 / 23RD AGRAHAYANA, 1928

WP(C).No. 31062 of 2006(W)

(OPMV.205/1995 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ATTINGAL)

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PETITIONER:

ANITHA, D/O. PANKAJAKSHI,
AGED 38, RESIDING AT VARTHUKONAM PUTHEN VEEDU,
THYCAUD, PIRAPPANCODE P.O., VENJARAMOODU,
THIRUVANANTHAPURAM.

BY ADV. SRI.J.S.AJITHKUMAR

RESPONDENTS:

1. DIVISIONAL MANAGER,
NEW INDIA ASSURANCE COMPANY LTD., TRIVANDRUM.

2. THE MANAGER,
BANK OF INDIA, ATTINGAL BRANCH.

R1 BY ADV. SRI.A.C.DEVY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.31062 OF 2006)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of judgment dtd.31.8.2005 in KFA No.275/99 of this Court.

Ext.P2: Copy of I.A.No.2256/06 in O.P.(MV) No.205/95 of the M.A.C.T., Attingal.

Ext.P3: Copy of order dtd.1.9.2006 in I.A.No.2256/06 in O.P. (MV) No.205/95 of the M.A.C.T., Attingal.

Ext.P4: Copy of intimation dtd.1.6.2006 of the 1st respondent.

-True Copy-

P.A.to Judge.

P.R.RAMAN, J.

W.P(C). No.31062 of 2006 - W

Dated this the 14th day of December, 2006

J U D G M E N T

The order impugned in this writ petition is Ext.P3 passed by the Motor Accident Claims Tribunal. The petitioner applied for release of an amount of rupees one lakh from the fixed deposit of Rs.2,38,950/-. According to the petitioner, she is unemployed and the amount which is sought to be withdrawn is for enabling her to start a business. The Tribunal had found that as per the order in M.F.A.No.275 of 1999 dated 31.08.2005, the petitioner was already allowed to withdraw interest therefrom. There is specific direction in Ext.P1 judgment of this Court that the amount shall be deposited in a nationalised bank for a period of three years and the petitioner will be entitled only to draw the interest. Hence, if any violation has been made, it is for the petitioner to approach this court by filing appropriate application. The Tribunal is bound by the decision of this Court.

I do not find any error in the order of the Tribunal. The writ petition is dismissed.

P.R.Raman, Judge

Mbs/

Issue photocopy, as and when applied, on usual terms.

M.RAMACHANDRAN,J.

C.R.P.NO. OF 2002

O R D E R

DATED: 13-11-2006